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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11
12 SAN FRANCISCO DIVISION

13 IN RE ENERGY RECOVERY, INC.
14 SECURITIES LITIGATION

Case No. 3:15-cv-00265-EMC

CLASS ACTION

STIPULATION AND ORDER TO
CONTINUE CASE MANAGEMENT
CONFERENCE

Hon. Edward M. Chen

STIPULATION

The parties to this action, by and through their respective counsel, stipulate and agree as follows:

WHEREAS, this case is a putative class action brought under the Securities Exchange Act of 1934 (the “Exchange Act”);

WHEREAS, section 21D(b)(3)(B) of the Exchange Act, 15 U.S.C. section 78u-4(b)(3)(B), provides for a mandatory and automatic stay of all discovery and other proceedings during the pendency of any motion to dismiss brought in this matter;

WHEREAS, on May 26, 2016, Lead Plaintiff Henry Low (“Plaintiff”) filed the Second Amended Class Action Consolidated Complaint for Violation of the Federal Securities Laws (the “Complaint”) (ECF No. 99);

WHEREAS, on June 13, 2016, Defendants Energy Recovery, Inc., Thomas Rooney, and Audrey Bold (collectively, “Defendants”) filed a motion to dismiss the Complaint (ECF No. 100);

WHEREAS, following briefing on Defendants’ motion to dismiss, the Court held a hearing on July 21, 2016;

WHEREAS, on August 5, 2016, the Court agreed to reserve decision on the motion to dismiss while the parties took part in private mediation;

WHEREAS, the parties conducted mediation on Wednesday, October 12th and reached an agreement in principle to settle the action, subject to negotiation of certain details;

WHEREAS, the parties have entered into a memorandum of understanding with regards to the settlement, have exchanged drafts of the settlement agreement and will soon be submitting to this court a stipulation of settlement and proposed notice to the class; and

WHEREAS, the parties therefore respectfully request that the Court continue the Case Management Conference for thirty days so that the parties may attempt to finalize the language of the settlement agreement and notice to the class.

1 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,**
2 subject to the Court's approval, that the Case Management Conference, currently set for January
3 26, 2017 be continued for thirty days.

4 **IT IS SO STIPULATED.**

5
6 Dated: January 19, 2017

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10 By: /s/ David M. Furbush
David M. Furbush

11 *Attorneys for Defendants Energy Recovery,*
12 *Inc., Thomas S. Rooney, Jr., and Audrey*
13 *Bold*

14 Dated: January 19, 2017

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22 *Attorneys for Lead Plaintiff Henry Low and*
23 *Lead Counsel for Class*

24 **CIVIL LOCAL RULE 5-1 ATTESTATION**

25 In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that the other signatories
26 concurred in this filing.

27 Dated: January 19, 2017

28 By: /s/ James M. Lindfelt
JAMES M. LINDFELT

ORDER


Upon review of the parties' Stipulation to Continue the Case Management Conference, and good cause appearing therefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Case Management Conference currently set for January 26, 2017 shall be continued to March 2, 2017 at 10:30 a.m. Case Management Statement due February 23, 2017.

IT IS SO ORDERED.

DATED: January 20, 2017



HON. EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE